

97-84080-3

Wilson, Jeremiah Morrow

The admission of Utah

Washington

1889

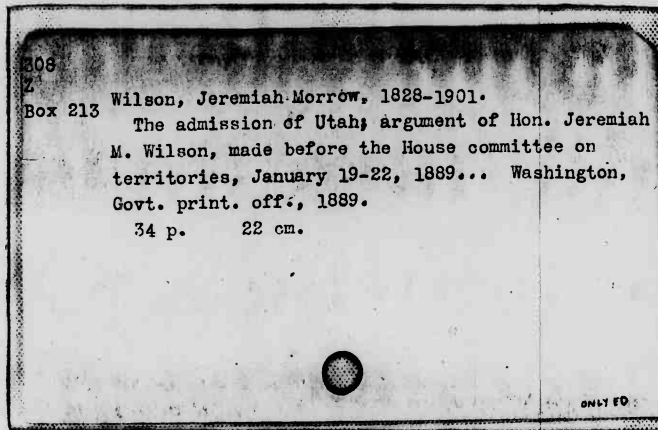
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MSH 23572

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THE ADMISSION OF UTAH.

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ARGUMENT

OF

HON. JEREMIAH M. WILSON,

MADE BEFORE THE

HOUSE COMMITTEE ON TERRITORIES,

JANUARY 19-22, 1889.

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UNDISPUTED FACTS—DECADENCE OF POLYGAMY—NO UNION  
OF CHURCH AND STATE—POWER OF CONGRESS  
TO MAKE AND ENFORCE COMPACTS.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1889.

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92/6  
1889

## ADMISSION OF UTAH AS A STATE.

### ARGUMENT OF MR. WILSON.

COMMITTEE ON TERRITORIES,  
*Saturday, January 19, 1889.*

Mr. WILSON said:

Mr. Chairman and gentlemen of the committee: In making the concluding argument in favor of the admission of Utah as a State under the constitution which has been presented to you, I assume that you will expect of me that I shall confine myself to the material considerations that have been urged in opposition; and this I shall endeavor to do. And as I am doing so I desire you to remember that the world moves.

There are, however, some things in connection with this opposition to which I desire briefly to allude before I proceed to the discussion of such as I deem of greater and real consequence.

We have here opposing this admission, first, the Territory of Idaho, appearing not only in the form of a memorial or remonstrance from her legislative assembly, but also, as represented through the argument of her Delegate in Congress, and who has read in support of his views a report of a committee of that legislature in a contested election case to which I will hereafter allude. We have also, second, the governor of the Territory of Utah in his official capacity, through the medium of a report, that he has made as governor, and which is legitimately before you for your consideration.

We have, again, third, the governor himself, not as governor, but as a private citizen, as he himself describes himself, as a citizen of the United States, and as an individual invited by the Gentiles of Utah to appear before you and represent their side of this controversy. I may be permitted, I trust, to remark without offense (for none is intended) that Governor West appears in this dual capacity. He is, so to speak, Doctor Jekyll when he is in Utah discharging his executive duties as a governor, but when he lays aside his official robes, and the duties of the executive of that Territory are left in the hands of the secretary, who is now governor, and comes here, I will not say (because that might be offensive) that he is Mr. Hyde, but I will say that he is here not as governor but as a citizen alone, and his utterances here as a citizen have precisely the same weight that those of any other citizen would have who has only had his opportunities to inform himself in respect of the situation in Utah.

And I wish further to remark that I am exceedingly glad that he is here, and that he has made his statement before you, because that statement is a calcium light turned upon his report. And from the statement that he has made here, you will be enabled to determine the weight that is to be attached to his official report, for presumably that official

report was made upon the strength of the information which he has detailed in your presence, and the opinions he has expressed. And as to that official report, I shall have something to say as I pass along.

I pause right here, gentlemen of the committee, to say that when the governor assures you that he believes that if the Mormon Church would command the fathers and mothers of Utah to sacrifice their first-born they would obey that command, I think it throws a great deal of light upon the question as to how much credit is to be given to the views, opinions, and statements of fact that are made by the gentleman who makes that assertion in your presence.

Then we have, fourth, the individuals who have been sent here by the remonstrants, whose presentation of the case in opposition will have that consideration which the facts they present will warrant; and you, from what they have stated, will determine what weight is to be attached to the opposition that they make. As to some of these I shall have something to say presently.

Then, again, you have in opposition, and I frankly admit it, fifth, what may be called the "public sentiment" of the country, which is entitled always to great respect, because the aggregate sentiment or opinion, which we commonly call "public opinion," is generally entitled to much higher consideration than any individual opinion. A single man may be utterly wrong, although his character and intelligence may be of the highest order and his judgment entitled to great consideration, and if the aggregate of public opinion is against him it is a strong indication that he is in the wrong.

But while this is so as to the weight that is to be attached to public opinion, it is always well to ascertain whether or not that public opinion is founded upon an accurate knowledge of the facts upon which that public opinion rests. I shall attempt to show you that that opinion is not justified by the present condition in Utah.

As to one of these opponents, the Territory of Idaho, I have a word, in passing, to say.

The distinguished gentleman who represents Idaho in the House of Representatives as her Delegate has presented to you a memorial coming from the legislature of that Territory, in the nature of a protest against the admission of her sister Territory, Utah, and has likewise presented to you a report made by a committee of the legislature of that Territory in a contested election case. And he presents this memorial and this report for the purpose of showing that Utah is unfit to be a State in this Union.

It is, under the circumstances, therefore, not improper that I should invite your attention to the precise facts involved in the case with reference to which this report was made, and thereby I hope to show you that Idaho is in no position, when the light is turned upon her, to assert that Utah is unfit to occupy the position which she is seeking under this constitution. I want to show what the report is worth, and thereby to show what the memorial is worth.

Idaho asserts that the whole scheme of the Mormon system is antagonistic to free government, and that, in point of fact, is the contention, the main contention, throughout this entire dispute, and which I will hereafter consider. The case to which I have referred is, in brief, this:

Idaho had passed a law which required that a citizen before casting a vote should take an oath that he did not belong to any order, organization, or association which teaches, advises, counsels, or encourages members, devotees, or any other person to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or re-

sulting from membership in such organization or association, or which practices bigamy, or polygamy, or plural or celestial marriage as a doctrinal rite of such organization.

Prior to the election out of which the case to which the Delegate has referred arose, and the report in which case he has read in the hearing of this committee, some six or seven hundred Mormons in Idaho dissolved their connection with the Mormon Church, and that dissolution was accepted by the church; and they thereby became as absolutely free and absolved from that church as any gentleman on this committee here to-day. I will quote here what the governor of Idaho says about the Mormons in his Territory in his official report to the Secretary of the Interior, of October 20, 1888:

Paris has a population of about 1,500, all Mormons, and there is not a saloon or gambling house, or any other place where intoxicating liquor is sold, and this is, I am told, the case in all the towns in Idaho where these people have exclusive control.

In traveling through the Mormon settlements one is at once struck with their improvements and the certainty that they are persevering and industrious; their country towns and villages are thrifty, and their farms well cultivated. Their buildings are generally substantial, and many of them stylish, with all the modern improvements that make a country look progressive and prosperous; and I believe these people are, as a rule, frugal, industrious, and honest.

I am informed by men high in authority in the Mormon Church, and in whose word I have the highest confidence, that they are willing to live up to the laws (which they claim are now being fairly and more humanely administered) and that the doctrine of plural marriages is not now practiced as formerly, or taught either publicly or privately, and that they do not teach, advise, counsel, or encourage the practice of polygamy or bigamy.

Now, a certain gentleman by the name of Lamereaux was a candidate for the legislative council in these counties, and he was returned elected. He appeared at that council, and without objection was sworn into office. The laws of the Territory of Idaho require that where an election is to be contested notice shall be given of such contest within ten days after the result of the election is announced. No such notice was given in this case; but after Mr. Lamereaux had been not only returned elected, but had actually taken the oath of office, and was enjoying his seat, as of right he might; on the same day that he took his seat a committee on privileges and elections was appointed, and on the next day Mr. Sparks, who had been the opposing candidate at said election, filed with this committee on privileges and elections a paper in which he claimed that the seat occupied by Mr. Lamereaux should be occupied by him, and alleged in that paper that a large number of illegal votes had been cast for Lamereaux at the election. No particulars whatever as to illegal voting were given therein, nor was there any notice of contest given as required by law.

And to make this recital brief, I say to you, upon information that I regard as being thoroughly reliable and incontestable, that that committee not only refused to hear any evidence on the part of the sitting member, Lamereaux; did not even take any testimony about the facts in the case, and with great promptness, Lamereaux, clamoring to be heard by himself and through his attorney, made a report which has been read here in your hearing. They had no proof as to how any one of these people voted. They took it for granted that, having once been Mormons, although they had absolved themselves from all allegiance to or connection with the church, and although they had taken this oath, and without any evidence whatever that that was not done in absolute good faith, they proceeded to declare these people illegal voters, and upon such a state of facts as I have given you they unseated Lamereaux and seated his opponent.

I most respectfully submit that with a record like this, a memorial from that law-defying as well as law-making body may be received with some scruples, and that it is unbecoming in Idaho to come here in the nature of a protestant against the admission of Utah. If such performances as these could have been brought against Utah these gentlemen would have "set the wild echoes flying."

Further, in passing, I want to notice another thing. It has been stoutly denied here that there is or would be any ostracism by Gentiles of Gentiles if they should present themselves here in the attitude of favoring the admissions of Utah. That denial has been set at rest forever by admissions of the Delegate from Idaho in the remarks that he made in this presence.

In the light of what he has said to you, there will be no difficulty on your part in coming to the conclusion that any man who favors anything that the Mormons do in Utah is ostracized, and the brand of "Jack-Mormon," a term of odium, is at once put upon him. And if any gentleman doubts that a Gentile in Utah dare not express his sentiments in favor of admission as a State, I commend him to the editorials of the leading anti-Mormon newspaper in the city of Salt Lake in respect to some gentlemen who have the honor to occupy seats in the House of Representatives—Democratic members—in the face of which the governor has appealed earnestly to members to act as Democrats in respect to this matter, instead of seeking as the governor of that Territory to place this matter upon the high plane to which it belongs. As newspaper literature seems to be in order in this discussion, permit me to read one editorial from the Salt Lake Tribune:

Whatever may be the outcome of the conspiracy to give this Territory Mormon statehood, the men who brought around that caucus of the Democratic members of the House of Representatives should be remembered and marked on the black-list for all time to come. There is more connected with it than a partisan desire to gain advantage. When a man like Speaker Carlisle or Sumner Cox deliberately proposes to create a Mormon State in this Republic, no matter under what pretense, it is an advertisement that the man himself is deficient in the moral attributes essential to good citizenship.

When they write that kind of stuff of such men as are named here what think you they would do if some business man in Utah, although he conscientiously believed that the true interests of that Territory demanded statehood, said so? What would they not say of him? Does he not know just what they would say of him, and does he not know that he would be ostracized? Does he not know that no limit would be placed upon the abuse and obloquy that would be heaped upon him? This editorial continues as follows:

It is a notice served by him on the world that a gross and coarse heart is throbbing under his fine linen; that to him the distance between a pure and an impure woman is not very great, and that he does not realize what the American home is to America. Men so constituted may have big brains, but when put to a supreme test they will always fail. The men who engineered that caucus knew that if they could carry out their scheme they would be fastening something upon our nation which would place one-thirtieth of the area of this Republic under the absolute dominion of the priests of a bogus creed, and draw the protection of State lines around an institution that substitutes the Asiatic harem for the American home. Hence we say such men by the act brand themselves as untrue to the mothers who bore them and to the country which protects and honors them; and that, this being so, it is the duty of true men, not only to denounce them now, but to follow them to their homes, and whenever they may in future appear to any office to denounce them to their constituents as unworthy to receive the honors which they seek. It is a matter above all partisanship; it is a matter of manhood and Americanism, a matter of moral status and personal character.

Will anybody pretend that when that kind of abuse is heaped upon such men as these they would spare a Gentile of Utah who would open his mouth in favor of admission? I have another one which is devoted exclusively to Mr. S. S. Cox, member of the House of Representatives, who needs no commendation from me, which is as follows:

MR. S. S. COX.

The Mail and Express says:

"Once more Mr. S. S. Cox has proved that he is broader and better than his party. He can not get his colleagues to go with him in giving justice to the Territories. Mr. Cox is not a Bourbon."

The Salt Lake Tribune says:

"Mr. Cox was wise enough to see that the treatment of Dakota by his party had proved to be a boomerang, and had seriously injured it in the late election. But while the mental nature of Mr. Cox is acute, his moral nature is filled with perversities. Mr. Cox has confused ideas of the real status that women should occupy in this world; he evidently has never made a study of the effects upon children of the state of mind of the mothers before the birth of the children. Hence he looks upon polygamy as merely a relation between the sexes which ends with their lives. It excites neither sorrow nor apprehension on his part, and to obtain three electoral votes, two Senators, and a Congressman for his party, he would gladly assist in erecting the defenses of statehood around polygamy in the very heart of the United States."

"Hence on this point Mr. Cox happens to be an enemy of his country, and he should be pursued into private life and kept there indefinitely. He is not worthy to represent even the slums of New York City, for there are very few even in the slums who will not fight to protect the honor of wife, mother, or sister. He knows that statehood to Utah now would fasten two evils upon the country, the one as a wall and the other as the cement to hold that wall in place, which by and by would become unbearable, and cause an exhaustive civil war. He knows further that even a war could not for years undo the wrong to the race which would have been worked before the revolt assumed an attitude of violence. Yet he is willing to hazard all this for a party advantage. Hence we say he does not represent any constituency of free men in this Republic, and that he should be pursued into final retirement. This country can get along nicely without the services of such men as he."

I read these, gentlemen, in reply to the asseverations that have been made here.

And I venture to say in this respect, that you can not have listened to utterances here in opposition without seeing that it would require a higher order of courage than men usually possess for any Gentile to stand up in Salt Lake City, or in the Territory of Utah or anywhere where his property interests are, and advocate the admission of Utah as a State without meeting with the combined opposition of a class of Gentiles that it would be difficult for any man to withstand.

I regret exceedingly that this is so. I regret it because I believe that if these people would devote themselves to getting to understand each other and to studying the true interests of the Territory, as well as of this nation, it would not belong until Utah would be a State, and the polygamy question settled forever.

And now, Mr. Chairman and gentlemen of the committee, with these preliminary observations, I beg your indulgence while I proceed to the presentation of this case upon its broad merits, reserving to myself at the proper place as I go along to answer some of the special matters that have been presented to you during the progress of this inquiry.

I know that you are impressed with the gravity of the matter involved in this discussion. I approach it with a consciousness of inability to deal with it in a manner commensurate with its importance.

We have here two governments, one exclusive and supreme as to the affairs of the nation, the other exclusive and supreme as to the affairs locally pertaining to a State, an integral part of that nation. The national domain outside the limits of any State is held by the nation under a sort of implied trust to be divided up into Territories into which the people

may go and prosecute the affairs of life, and with the further implication that when the conditions are appropriate the National Government will abdicate its powers as to local affairs and yield them up to the people in the form of a State.

To state it in another form, the Congress of the United States creates these Territories and invites people to inhabit and develop them, with the understanding and the implied promise that so soon as there is a population equal to the ratio necessary for a member of Congress and the usual surroundings incident to a fixed community, that Territory shall become a State, and its people shall have a voice in national affairs, and the control of such as are local.

When the understood conditions are complied with, the moral obligation to grant a State government is so strong that it can not in good faith be disregarded. As applied to a Government, a moral obligation has precisely the same force, and means the same as a legal obligation. A moral obligation is the same to a Government, that a legal obligation is to an individual.

This obligation to admit a Territory as a State when it has the required population will therefore be performed, unless such a state of facts exist as would justify the highest court of conscience—the conscience of a sovereign—in disregarding it.

#### FACTS IN THE CASE.

Utah is applying for admission and we have therefore to inquire, first, whether the conditions Congress has a right to require exist; and second, if they do, whether there is anything outside of these conditions that will justify a refusal.

As to the first, it is disposed of by the statistics furnished you by Mr. Richards and Mr. Caine. Utah has more than 200,000 inhabitants; much above the number required. That is not disputed.

Utah has a public school system of the highest order of excellence and a university of high repute. Every denomination of the Christian churches have their seminaries of learning, and the result of it is as near universality of education—indeed less illiteracy than is to be found in any other Territory and a majority of the States. This is not disputed.

As a temperate, orderly, law-abiding, industrious, thrifty people, the population of Utah have at least no superiors. This is not disputed.

The ownership of the land, that great source of good conservative citizenship, is more evenly and universally distributed among these people than those of any other Territory in the nation. This is not disputed.

Her manufactures include almost every useful article. The products of her soil and the yield of her mines aggregate a great many millions of dollars annually, and she has flocks and herds whose value alone is not less than \$30,000,000. None of this is disputed.

Her charitable institutions are abreast of our advanced civilization. This is not disputed.

No people are freer from the vices that seem to be attendant upon humanity and infest compacted populations. This will not be disputed.

Utah is situated midway between the great rivers of the West and the Pacific, and is traversed by lines of transcontinental railways—highways of the continent, and it is no exaggeration to say highways of the world. Her geographical position, together with her vast agricultural, mineral, and manufacturing resources, and the intelligence, energy, and high character of her people make statehood of vast im-

portance, not only to Utah, but to the whole country. This will not be disputed.

All of these undisputed facts have been brought to your attention with statistical accuracy, and with much, but not too much, detail by Mr. Richards and Mr. Caine, who have preceded me.

Mr. Ferry and Mr. McBride fully and frankly admit that this condition exists; but Mr. Ferry says the Mormons are not entitled to all the credit for it, and I admit that they are not. Such gentlemen as Mr. Ferry have gone to Utah with their business energies and in various ways have aided in bringing about this extraordinary development. We do not claim, and never have claimed, that the Mormons did it all. We are not talking about who did it, but are talking about the condition of the Territory as to its development in order to see whether it has the requisites to entitle it to be erected into a State; and if we find the requisites, how they came there or by whom they were produced is of no consequence in this connection. He admits that they are there, of the character and to the degree that we claim, and that is sufficient for this branch of the discussion. Therefore, this does not rise to the dignity of an objection.

Again, he claims that the public schools are controlled by the church. I was surprised that a gentleman of his obvious intelligence should state this. They are under the control of the church in such sense as the schools are under the control of the church anywhere else where the adherents of a particular church form the preponderance of the people.

That these schools are under the control of the church in any other sense or way I utterly deny, and I deny that any religious creed is taught in them; he does not even assert that it is.

They are essentially and emphatically public schools, open to the children of all. Does Mr. Ferry deny that they are thus open? No; he admits that they are. He complains that he pays taxes but don't get the benefit of the schools. He pays taxes just as other people pay taxes, and if he don't get the benefit of the schools it is only because he don't see fit to avail himself of them. And this same thing is happening, as we all know, in localities where it can not be attributed to Mormonism.

Again, he says that they hold religious services in their school-houses. That reminded me of my boyhood days, in a locality not as far off as Utah, where every Sunday the school-house did duty as a church, and it never entered the mind of any one that there was any impropriety in using it for religious services. Nor did any one ever suspect that if a particular denomination preponderated that fact made the schools that were taught there any the less public schools, or evidenced that it was controlled by the church that happened to be the leading church there.

Again, he mentioned as an evidence of want of loyalty to or sympathy with this Government the fact that on the Fourth of July somebody put the American flag at half-mast. I know nothing of the circumstances, and he did not give them to you; Mr. Caine has stated them. But I was reminded of two or three incidents that I may mention for the lesson they teach.

Before the late unpleasantness a certain man was Secretary of the Interior. Twenty or more years after that was all over he died. Every State had been brought to its normal relations to the Government; universal amnesty had been declared; the flag was placed at half-mast according to the usual custom, when that former Secretary died; excitable people complained about it, and saw mischief in it.

Not many days ago somebody foolishly, in a Southern city, nailed the American flag wrong side up to a tree or a barber-pole, and there were people that went into a state of fermentation; but nobody thinks that these incidents indicate any settled hostility to this Government or any unfitness to enjoy political right. The Secretary under whose administration the flag went to half-mast on the Department is deemed, and justly deemed, worthy to wear a robe on the bench of the greatest court in the world and honors it with his learning to-day.

Mr. Ferry mentioned one case in which the non-Mormons were, as he understood, denied the use of a school-house for religious services.

Therefore I quote this from the *La Fayette* (Ind.) Journal, not written by a Mormon:

The new Tabernacle is a very large and peculiar building. It contains an organ second only to the Boston organ in size and power, built exclusively by Mormon artisans. Rev. Dr. Tiffany, of the Methodist Episcopal Church (one of our party), was tendered the Tabernacle by Young, which he accepted, and on Sunday p. m. preached a most eloquent and powerful sermon to the largest in-door audience in his life, there being nearly, if not quite, 6,000 persons present. The liberality of the Mormons in tendering their houses of worship to Gentiles is worthy of praise and imitation on the part of some of our Christian churches and divines.

Judge McBride, in his presentation of this case, spent much of his time in reciting to you incidents of local disturbances, controversies over claims to lands, resulting in lawsuits and acts of individual violence, just such as are found in every community, no matter how orderly. He recites here charges that were made against the Mormons of half a century ago in Ohio, Illinois, and Missouri, forgetting that we are dealing with the Mormons of to-day.

The judge evidently is of the most intensely orthodox school, for he would, if he could, visit the iniquities of the fathers upon the children unto the latest generation.

Upon the same principle he would condemn the New Englanders of to-day because their ancestors burned witches and persecuted Quakers, and because they banished Roger Williams for the reason that he believed that punishment for Sabbath-breaking belonged to the first table of the law and not to the magistrate, and that he believed that the lands of Indians should not be taken without purchase, and that he believed that the power of the civil magistrate extends only to the bodies, goods, and outward state of men, and not to their souls and consciences. And he gravely tells you that thirty years or more ago the Mormons of that day were in open rebellion against the United States, and that that is an evidence that these people of to-day have no sympathy with the Government. He uses that in this presence, forgetting the dreadful history of twenty-five years ago, forgetting that the policy of this Government has been just the reverse of the one he desires you to adopt, a policy of oblivion, a policy of trust, a policy that has reunited in sentiment and sympathy a great people, and must ever be regarded a victory of peace incomparably grander than any achieved in war.

Such objections as these assert their own unworthiness, but they are useful and useful only in that they show to what trivial and transparently inconsequential things our opponents are driven to resort as an aid to what I understand to be their chief objections.

A moment ago I referred to these admitted facts with some particularity, for the purpose of bringing this contest down to where we can get at the actual ground of opposition to the admission of Utah as a State. And I here repeat that no objection is possible on the ground of want of population, wealth, culture, schools, churches, charities, morals, industrial enterprises, order, and the like. The most vehement of all the

opponents of admission will and do concede that as to such qualifications as these they exist in the case of Utah to a degree that not merely silences dispute, but challenges admiration.

Then what are the real objections that are relied upon to overcome this moral obligation to admit Utah as a State?

I shall endeavor to state them candidly and to deal with them as you are entitled to have them considered, with candor and frankness. I know perfectly well that the real underlying objections that are made have such lodgment in the minds of the people of this country that it will be difficult to remove them. I recognize that this power known as public opinion that surrounds Congress (and I would not be going much beyond the fact in saying controls Congress) is entitled to great respect, and it is, therefore, our duty to answer here to you, and to the public, these objections. We can only hope to prevail by meeting them squarely and answering them fully.

The first objection I notice is the

#### EXISTENCE OF POLYGAMY.

In respect of this I have to say, first, that there is no law in Utah that sanctions polygamy and never has been.

Now, of course, in making this statement I am not referring to ingenious constructions or discussions that have been indulged in by learned men like my brother Baskin, but I say this: There has never been a statute law that sanctioned polygamy in Utah.

That it has existed there and does exist there in fact (to what extent I will presently consider), I do not deny. Nor do I deny that it has recognition in the tenets of the Mormon Church as a church organization; but in dealing with this objection I submit that you are to look at the situation now, and not what it was fifty, thirty, or ten years ago.

During the last session of Congress my friend Mr. Richards, in an argument he made before the Senate Committee on Territories (which I hope you will all read), stated that not more than 1 per cent. of the present population of Utah ever were in polygamy; that not over 2 per cent. of the present Mormon population ever were in polygamy.

In an argument I made at the same hearing (which I can hardly hope to have you read, although it is here at your service) I stated after the best investigation I could make, that not 2 per cent. of the Mormon population were polygamous. That statement was made a year ago and has not yet been denied. It has not been denied in this hearing. I remember very well that the fact in that particular was a very great surprise to me after all that I had heard. Now I re-affirm that statement. And although I have heard some general assertions made here, I say the accuracy of that statement has never been seriously challenged except in a general way, out in the air. Mr. Richards has given you the figures in his argument before the Senate, and I am going to give you something now in support of it, and I invite you to the consideration of what was said on that occasion.

I assert now that the persons in polygamy are not more than one-fourth of 1 per cent. of the whole population, and less than one-third of 1 per cent. of the Mormon population, and probably only  $\frac{1}{10}$  per cent., certainly not over 2 per cent., of the adult male population of the Mormon faith. And if this is true, and if you treat polygamy as the highest crime known to law, human or divine, such a percentage would be no sufficient reason for denying admission; for if you had here before you a Territory of 200,000 inhabitants admittedly intelligent, industrious, thrifty, progressive, temperate—admittedly up



Not many days ago somebody foolishly, in a Southern city, nailed the American flag wrong side up to a tree or a barber-pole, and there were people that went into a state of fermentation; but nobody thinks that these incidents indicate any settled hostility to this Government or any unfitness to enjoy political right. The Secretary under whose administration the flag went to half-mast on the Department is deemed, and justly deemed, worthy to wear a robe on the bench of the greatest court in the world and honors it with his learning to-day.

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Judge McBride, in his presentation of this case, spent much of his time in reciting to you incidents of local disturbances, controversies over claims to lands, resulting in lawsuits and acts of individual violence, just such as are found in every community, no matter how orderly. He recites here charges that were made against the Mormons of half a century ago in Ohio, Illinois, and Missouri, forgetting that we are dealing with the Mormons of to-day.

The judge evidently is of the most intensely orthodox school, for he would, if he could, visit the iniquities of the fathers upon the children unto the latest generation.

Upon the same principle he would condemn the New Englanders of to-day because their ancestors burned witches and persecuted Quakers, and because they banished Roger Williams for the reason that he believed that punishment for Sabbath-breaking belonged to the first table of the law and not to the magistrate, and that he believed that the lands of Indians should not be taken without purchase, and that he believed that the power of the civil magistrate extends only to the bodies, goods, and outward state of men, and not to their souls and consciences. And he gravely tells you that thirty years or more ago the Mormons of that day were in open rebellion against the United States, and that that is an evidence that these people of to-day have no sympathy with the Government. He uses that in this presence, forgetting the dreadful history of twenty-five years ago, forgetting that the policy of this Government has been just the reverse of the one he desires you to adopt, a policy of oblivion, a policy of trust, a policy that has reunited in sentiment and sympathy a great people, and must ever be regarded a victory of peace incomparably grander than any achieved in war.

Such objections as these assert their own unworthiness, but they are useful and useful only in that they show to what trivial and transparently inconsequential things our opponents are driven to resort as an aid to what I understand to be their chief objections.

A moment ago I referred to these admitted facts with some particularity, for the purpose of bringing this contest down to where we can get at the actual ground of opposition to the admission of Utah as a State. And I here repeat that no objection is possible on the ground of want of population, wealth, culture, schools, churches, charities, morals, industrial enterprises, order, and the like. The most vehement of all the

opponents of admission will and do concede that as to such qualifications as these they exist in the case of Utah to a degree that not merely silences dispute, but challenges admiration.

Then what are the real objections that are relied upon to overcome this moral obligation to admit Utah as a State?

I shall endeavor to state them candidly and to deal with them as you are entitled to have them considered, with candor and frankness. I know perfectly well that the real underlying objections that are made have such a lodgment in the minds of the people of this country that it will be difficult to remove them. I recognize that this power known as public opinion that surrounds Congress (and I would not be going much beyond the fact in saying controls Congress) is entitled to great respect, and it is, therefore, our duty to answer here to you, and to the public, these objections. We can only hope to prevail by meeting them squarely and answering them fully.

The first objection I notice is the

#### EXISTENCE OF POLYGAMY.

In respect of this I have to say, first, that there is no law in Utah that sanctions polygamy and never has been.

Now, of course, in making this statement I am not referring to ingenious constructions or discussions that have been indulged in by learned men like my brother Baskin, but I say this: There has never been a statute law that sanctioned polygamy in Utah.

That it has existed there and does exist there in fact (to what extent I will presently consider), I do not deny. Nor do I deny that it has recognition in the tenets of the Mormon Church as a church organization; but in dealing with this objection I submit that you are to look at the situation now, and not what it was fifty, thirty, or ten years ago.

During the last session of Congress my friend Mr. Richards, in an argument he made before the Senate Committee on Territories (which I hope you will all read), stated that not more than 1 per cent. of the present population of Utah ever were in polygamy; that not over 2 per cent. of the present Mormon population ever were in polygamy.

In an argument I made at the same hearing (which I can hardly hope to have you read, although it is here at your service) I stated after the best investigation I could make, that not 2 per cent. of the Mormon population were polygamists. That statement was made a year ago and has not yet been denied. It has not been denied in this hearing. I remember very well that the fact in that particular was a very great surprise to me after all that I had heard. Now I re-affirm that statement. And although I have heard some general assertions made here, I say the accuracy of that statement has never been seriously challenged except in a general way, out in the air. Mr. Richards has given you the figures in his argument before the Senate, and I am going to give you something now in support of it, and I invite you to the consideration of what was said on that occasion.

I assert now that the persons in polygamy are not more than one-fourth of 1 per cent. of the whole population, and less than one-third of 1 per cent. of the Mormon population, and probably only 1½ per cent., certainly not over 2 per cent., of the adult male population of the Mormon faith. And if this is true, and if you treat polygamy as the highest crime known to law, human or divine, such a percentage would be no sufficient reason for denying admission; for if you had here before you a Territory of 200,000 inhabitants admittedly intelligent, industrious, thrifty, progressive, temperate—admittedly up

to and more than up to the average of the masses of the people in the States, not a gentleman of this committee would think of rejecting such a community because it appeared that one-fourth of 1 per cent. of the whole population had been guilty of bigamy, or rape, or arson, or even murder. Nor if it appeared that  $1\frac{1}{2}$  per cent. or 2 per cent. of the adult population in the course of a period of three years had been guilty of such offenses, you would not treat as outlaws, and as being unworthy of political association, 98 per cent. of good law-abiding people because 2 per cent. were guilty of crimes. If the cities of the plain could have shown ten just persons they would have been spared, and Lot's wife would not have become a pillar of salt.

Our worthy friends on the other side would not insist upon exclusion where such conditions existed. Is it true that no greater proportion than I have stated are polygamous?

There are various ways of getting at this percentage, but I shall rely upon the statistics the Government has furnished, and I refer you to Ex. Doc. No. 447, first session Fiftieth Congress, prepared for the express purpose of enlightening you on this subject, a report of record facts in answer to a resolution of the House of Representatives.

The Edmunds act was passed March 22, 1882, and it will not be said that the officials of the Government have not been diligent in the discharge of their duties since the enactment of that law. It will not be said there is any dearth of appliances for conviction. Mr. Richards has mentioned them. Nor will it be said that the courts have been rigid in the construction of the law so as to make convictions difficult.

On the contrary, if it were necessary for the purposes of my argument, I might claim, and I think might show, that in respect of the offenses intended to be reached there have some rulings occurred in the administration of this act that could hardly be made to square with old-fashioned Anglo-Saxon ideas of humanity and the proper administration of criminal law. But I accept them without criticism for the purposes of this discussion, and here are the results of indefatigable and relentless prosecution.

I find from these record statistics that since November, 1884, there have been ten convictions for polygamy. There are not less than 175,000 persons of Mormon faith in Utah. At least 35,000 of them are males of marriageable age; ten out of 35,000 in four years have been found by Government officials whose zeal will not be questioned, and whose energies have been stimulated by a strong if not inflamed public sentiment, to say nothing of the energizing effect of liberal fees, and who never will be suspected of having leaned to the side of Mormons in this regard. Ten out of 35,000 adult males have been found guilty of the offense of polygamy. Of these one was pardoned by the President, among other reasons, because of his old age.

Now, gentlemen, I know very well that it is said that there could be no more convictions for polygamy, because, as asserted, the plural marriages are secret, that no record of them is kept, and therefore the proof of marriage, an essential in such a prosecution, could not be had.

I deny the truth of this assumption, but let us admit it for the purpose of this argument. All that class of cases in which it is said proof of marriage can not be procured is covered by the offense of "unlawful cohabitation." So that if marriage could not be proved, "cohabitation" answered the same purpose, and if we admit that every man who "unlawfully cohabited" was married to the woman with whom he cohabited, we have this result. Between the 15th of April, 1885, and the 13th of

September, 1888, more than three years, these zealous prosecutions resulted in 453 convictions for this offense of "unlawful cohabitation." Five of these were pardoned, old age being a conspicuous reason for it.

Call all of them cases of polygamy if you will, and you have in more than three years in a population of not less than 35,000 male adults of the Mormon faith 463 cases of that offense. But it has been said here that all the cases have not been tried. We have anticipated that; there are pending 163 cases yet untied. Assume that every one will be convicted; add them to the number given you a moment ago of cases of polygamy and cohabitation; compare it with the population of adults of Mormon faith, and you will see that I overstated the percentage; and you can not fail to appreciate how little of actual polygamy there is in Utah and how grossly those people have been misjudged by the public, and how preposterous it is to deny political rights to the many who do not offend, because of the offendings of the comparatively few. That won't do. Remember that I am arguing now from the stand-point of polygamy as a criminal offense, just as I would argue from the stand-point of murder, bigamy, fornication, seduction, as offenses. Such a percentage of such crimes as I have just named in such a community never would be thought of as sufficient reason for exclusion.

Now, if polygamy as a crime denounced by statute law, or polygamy as an offense against morals, is to be the basis of rejection, I wish you to follow me to the result of the ultimate analysis of this subject in the light of the present conditions, and the inevitable conditions in the near future.

Polygamy is a crime denounced by the statute, and you say it is an offense against morals. Be it so. Then we have it that here is a community of 210,000 people splendidly equipped for State government; 2 per cent. of 35,000 of them have committed, or, if you will have it so, are committing to-day that offense against law and morals. I think I can safely say that not one of you would entertain for a moment the thought of excluding such a community for an opinion; you might exclude a community for prevalence of crime, but not for opinion.

Now, it is proposed that you shall reject this application. Why? Because a few hundred, 2 per cent. of the voting population of this people, have committed this offense of polygamy. But here are many thousands, 98 per cent., that can stand in your presence and say truthfully, "We never committed that offense any more than you did. We are as guiltless of it as our Gentile neighbors." Why exclude the great mass because of the few who have offended?

If these few offenders had committed offenses *mala in se* or *mala prohibita* other than polygamy, you would lose your patience if anybody should argue in your presence that that fact was a sufficient ground for the rejection of such an application. Such an objection would be as idle as the wind in the presence of conditions such as I have named.

And so when these people come to you with this application, and you say to them polygamy is practiced in this Territory, and they reply true, there are a few cases, but ninety-eight or ninety-nine out of every hundred are innocent of any such offending, and you hesitate, and they ask you for a reason; what reason can you give; but one, and you would blush and hang your heads as American citizens when you gave it, "because of your opinion."

And so I say that, when analyzed in the light of existing facts, it comes down to rejection for opinion, if rejection shall ensue. I beg you to bear with me while I trace this a step further.

I assert, and there is no evidence to the contrary, but very satisfac-

tory evidence in support of the assertion, that no plural marriages have occurred in Utah for years.

The few who are in polygamous relations are past the meridian of life, and many of them old men; so that in the course of nature in the very near future this institution *in fact*, will have ceased entirely to exist. The situation then would be precisely the same as now, excepting only that now there are a few aged men who are practicing polygamy. What would you do in that case? Or suppose that to-morrow all the men in Utah who are in polygamy should gather their wives and children, their goods and chattels, their flocks and herds, together and march again across deserts and over mountains into Mexico, so that there would not be a trace of polygamy in fact left in Utah. Then what would you do with this application? Reject it? If so, why? You could give no other reason than "because of the opinions of those who remained."

Turn this about as you will; reason about it from any and every stand-point; you are brought invariably and inevitably to the position as a bottom fact, that rejection, if it occurs, must rest upon the religious *belief* of these people and not upon any actual guilt—upon the sin of wrong *belief* and not the sin of wrong-doing.

#### THE NEXT OBJECTION.

Gentlemen, I think I know what the attempted answer to this is, and I will endeavor to state it strongly and then see if I can meet it fairly. It is this, that it is not the number of cases of the kind that it is to control your action, but that these people hold to the belief as a religious dogma or tenet of their church that polygamy is not wrong; that in itself it is right, that it is commanded; that they believe that their first and highest allegiance is to the church; that the church dominates the state; and that if admitted as a State these people, being in the majority, will not prohibit, but permit, polygamy, and having become a State you will be powerless to control their action in this regard. I have attempted to state this objection fairly, and it demands the most candid consideration.

Here the committee adjourned until 10 o'clock Tuesday morning, January 22.

#### COMMITTEE ON THE TERRITORIES, Tuesday, January 22, 1889.

The committee met pursuant to adjournment.

Mr. Wilson continued his argument as follows:

Before resuming the thread of the argument I shall have to refer to some things I said before adjournment. I had been endeavoring to show how little of polygamy there is in Utah, and that there is so little of it that it would not justify this committee, even if you call polygamy a moral as well as a statutory crime, in rejecting this application. In the course of what I said on that subject, I was interrupted by Judge McBride with a question as to whether or not I was aware that in 1882 a Commission had made a report in which it was stated there were 12,000 polygamists in Utah, and I referred him and the committee to what Mr. Richards had said on that subject in a hearing before the Senate, and here is what he said:

The Utah Commission in their report to the Secretary of the Interior dated, November 17, 1882, stated that they had disfranchised all persons who had up to that time

lived in the polygamous relation. They placed the number at twelve thousand per sons.

This included not only those living in it, but all in the Territory who had lived in a polygamous relation, and they gave the number at twelve thousand persons. This number included both men and women, because at that time the women voted as well as the men. It also included a number of men and women who had been, but were not then, living in polygamous relations. Some of the men were living with but one wife; others were widowers. Some of the women were the only wives of but one wife; others were widows.

The commissioners have estimated that there were 3,000 persons disfranchised who had been, but were not at the time of disfranchisement, practical polygamists. This would leave 9,000 persons, male and female, living in polygamy. Assuming that each polygamist had three wives—a very moderate estimate under the circumstances—there would remain of the whole number but 2,250 men who could be called polygamists.

You will remember that this was in 1882, and since that time the number has greatly diminished, by death and otherwise, until the small proportion remains that I have already alluded to. These facts presented by that commission in 1882 verify the record statistics that have been furnished as I stated on last Friday, and the record statistics I have just alluded to verify what Mr. Richards said, and what I have just repeated, that the number of polygamists is insignificantly small, and therefore if it were a crime of the very blackest character this committee would not reject such an application as this.

Our opponents claim that polygamy is commanded by this church, which I deny, and I will show in a moment that my friend Baskin is utterly mistaken in this regard. They say the church dominates the state, and they say, as Judge Baskin stated a few moments ago, if you let them in as a State, then you will be utterly powerless to control them, and they can establish polygamy there forever. It is claimed this is their purpose, and that is the way what I have said is met, and there I take up the line of my argument.

#### IS POLYGAMY COMMANDED?

Mr. Baskin has read from the Book of Doctrines and Covenants detached paragraphs that have no relation to each other whatever, and linked them together for the purpose of showing that polygamy is *commanded*. At the request of the committee the entire revelation has been put in the record by Mr. Caine, and you will have the opportunity to examine it for yourselves; and, when you do so, you will find that it does not teach what Mr. Baskin claims.

I know, from what has happened here, that this committee is much better informed upon some things than I am; therefore if I make a mis-statement, you please correct me. If I rightly remember, Judas Iscariot, after selling his Master for thirty pieces of silver, went out and "hanged himself." An able-bodied divine, it is said, read that and then skipped over a few hundred pages, more or less, and solemnly read, "Go thou and do likewise."

You know the value of a comma, and what serious consequences follow sometimes from placing it behind one word rather than another. You know how it is said that by such a transfer of this little mark your legislation has been made to mean what you never intended.

It is said that another muscular divine on one occasion took as his text, "The wicked flee when no man pursueth, but the righteous is bold as a lion." This divine, whose orthography was somewhat defective, supposed that that word spelled "flee" did not represent a "go-as-you-please" pedestrianism, but that it did represent that agile little animal

that makes you swear and then like a coward skips, spelled f-l-e-a; and so he read it to his astonished hearers, "The wicked flea, when no man pursueth but the righteous, is bold as a lion."

And that is the way with my brother Baskin when he is dealing with the Mormon revelation on marriage. He reads the first five paragraphs, then leaps into the air, passes over all the horses and elephants, turns himself three or four times in the transit, lights with both feet upon paragraphs 61, 62, and 63, and bows gracefully to his audience. Then he holds up his hands in holy horror and assures you that in these paragraphs he has found polygamy commanded and blood atonement.

It is another case of Judas "janged himself," "go thou and do likewise;" for the two have no relation whatever to each other, and these last paragraphs I have referred to, and upon which he places so much stress and rests his argument, plainly show that polygamy in the Mormon faith is only *permissive*. I hope you will all read the entire revelation as set forth in your record, and you will find it as I say.

Whoever will carefully analyze that production will find that it is in part to Joseph Smith only, and in part to others. That it relates to "celestial marriage" in one part, and to polygamy, a different matter, in another. That celestial marriage, which is defined to be the marriage of a man and a wife for all eternity, is mandatory upon all who desire to obtain the highest glory, namely, the celestial. That the marriage of *other wives* is permissive under given conditions; that there is no command in it to any one to enter into plural marriage but Joseph Smith himself, and no judgment pronounced upon any woman who refuses to join her husband in this matter but the wife of the head of the church, and that this judgment is to be executed by the Lord himself and not by any man or church.

There is nothing in that revelation which makes the practice of polygamy either an essential to salvation or obligatory upon anybody but the man who "holds the keys," as he is called; that is, the head of the church. And, gentlemen, if you will read the paragraphs (61, 62, and 63) read by Mr. Baskin you will see that polygamy is not commanded but only permitted. And the fact that so few of the Mormons have entered into these plural-family relations, and that none of the great and overwhelming majority who have refrained have ever been cast out or disfellowshipped, or deprived of any church privileges for that reason, shows conclusively that the idea which is sought to be conveyed here as to the Mormon notions on this matter is entirely erroneous. And when you have carefully read that document you will judge between Mr. Baskin and myself as to what it means.

In justice to the people I represent I can not pass by in silence what Mr. Baskin said in this connection about "blood atonement." He manifestly, or I wholly misunderstood him, undertook to impress upon this committee that if these plural wives committed adultery their throats were to be cut from ear to ear and bowels to be cut out; "Jack the ripper" was to be turned loose, and after this chapter of horrors the judge pronounced the doctrine monstrous, and said that those who adopt it are not fit to be admitted as a State. But it is not taught there. It is not in that revelation. The destruction there mentioned is by the Lord, just as you find it expressed in substance a hundred times in our Christian Bible. And I pronounce it "monstrous" to attribute to these people any such doctrine.

One other thing I must notice here, to which I referred at the last meeting, namely, the contention that the church controls the business affairs of its members.

It is very evident from the remarks of the gentlemen of the opposi-

tion, particularly of Governor West, that they do not understand the doctrines and tenets and belief of the Mormon people. Of course I would not say that they willfully misrepresent them. All their assertions and imaginings about revelations to control private individuals in business affairs are without foundation in fact. No president or other leading man in the Mormon Church claims to be always inspired, nor that he is at any time infallible. For a great many years anything purporting to be direct revelation has been very rare, and in no case has it related to property or business of the people. Those revelations cited from the Doctrine and Covenants are more than fifty years old, and relate to individuals who had then formed an association in which they had put their property together and made a covenant and agreement that they would not dispose of it without common consent and the word of the Lord through the head of the order. But that book shows that the order was dissolved, as their covenants were broken, and that was the end of it.

This "Order of Enoch" the governor speaks of, but does not understand, has not existed for more than half a century. What he means is "The United Order," which was not, as he states it, a turning over of property to the priesthood to be controlled thereby; it was a measure to unite the people in societies for mutual benefit, in which each colony owned the property in common. It did not succeed, because the people did not fully indorse it. And while this extraordinary power of the priesthood is said to be so great, the fact is not one of these "united orders" exists to-day. If that power was exercised as claimed, the whole Mormon Church would now be organized into such societies. The people were advised to organize; some of them did so; the great body of them did not, and those who made the attempt finally gave it up. That is how the people are ruled by "the iron hand of a priestly despotism."

Every man in Utah is free to attend to his own business, and nobody, whether he be prophet, bishop, or priest, attempts to interfere with it. The Mormon people go about their business without any restraint or dictation, and no ecclesiast pretends to have the right to regulate people's private affairs. This idea that there are revelations to regulate civil and business relations is erroneous and absurd, and not a single instance of anything of the kind has been or can be cited. The Mormon people do not regard the opinions and views of their leading men as revelation, and all these exaggerations to which we have listened are wild and baseless. The trouble with men who make them is, they will not permit the Mormons to explain to them what they believe, but persist in adopting the rumors and misstatements of anti-Mormon preachers and writers.

I think I can account for the errors into which Governor West has fallen in his report and before this committee. When Governor West went to Utah it was very natural and very proper that he should begin the study of the existing conditions, and he evidently became a pupil of our friends Baskin and McBride. "As the twig is bent the tree's inclined" is an old adage, and you know from your personal experience how through life the teachings and opinions of your instructors have clung to you.

Eighteen or twenty years ago our brother Baskin, and fifteen or sixteen years ago our brother McBride began brooding over this subject; and they have been brooding over it ever since. It is a peculiarity of the human mind that constant poring over any subject has a tendency to twist and distort judgment in regard to it. It engenders suspicion;

it evokes doubt as to the integrity of all who differ; it breeds intolerance; such men begin to see visions; dream dreams—airy nothings take the shape to them of veritable substantial demons with cloven feet and darted tails.

And so it has come to pass that my brothers Baskin and McBride have fallen into the condition ascribed to the lunatic, the lover, and the poet—I class them with the poets, of course—they are of “imagination all compact” on this subject. They see more devils in Mormonism “than vast hell can hold;” and it so happened that when the governor went to Utah and put himself under their tutelage it was a case of the “blind leading the blind,” with the consequence assured eighteen hundred years ago and verified by experience through all the centuries since—all fell into the ditch together.

And this is the way I account for the governor's indulging in the monstrous belief expressed here that Mr. Richards, who has gone in and out before you for many days, and Mr. Caine, whom you have known for many years, and thousands of others like them, would at the command of this church slay their own offspring; and this is the way that I account for much that is in the governor's report and especially for the particular part which he read, and which I will now read for the purpose of accuracy, because it contains the essence of the opposition. I want to discuss it. It is as follows:

*The non-Mormons, both Democrats and Republicans, are united in opposing the admission of the Territory, while conceding that as to numbers our population is sufficient, and that our resources would justify our assuming the responsibilities of a State government, yet in essentials far more important we are lacking. That the majority of this people have been educated to adhere to a power foreign to the spirit and genius of our institutions. To this despotism they render allegiance and yield obedience; when it commands, though contrary to the law of the land, they obey, as witness the establishment and practice of polygamy; that to admit Utah into the Union of States is to enthrone with sovereignty this power behind the barriers of statehood. That the avowal of a renunciation of polygamy was for the purpose of continuing and permanently establishing the political control of this power. That to admit Utah is to determine that the principles of our republican government shall not apply to all our people and the whole of our territory, but that the best interests and important destinies of at least one of our States is to be intrusted to those who claim to rule not only by right but by power divine.*

I wish you to note particularly that this is the objection of non-Mormons, both Republicans and Democrats.

Now, gentlemen, that is a formidable indictment presented by the governor, if it is founded in fact. I have read it, as I said, for the purpose of accuracy; but I read it for another reason. It comes from a high official source. With this official sanction it has come to you, and the governor in person has repeated it here, and it has gone to the great public, and if it is not founded in fact the wrong is the greater and the more mischievous, because of the high source from which it emanated. It asserts that these people recognize their first allegiance to be to the church; it charges them with insincerely renouncing polygamy for the purpose of cheating you into granting them the powers of a State government, and with a design of using those powers in subordination to this superior power, the church; it charges that polygamy will be given the sanction of positive law, or its equivalent, statutory silence.

I do not call in question the integrity or good faith or sincerity of the governor when he framed that indictment. Doubtless he believed every word of it, for it had been taught him by Brothers Baskin and McBride, ably aided by the Salt Lake Tribune, from the columns of which I have read to you; but I do challenge the accuracy of his information. The reliance to support this is not on the Creed, or Book of Doctrine and

Covenants, or any recognized authority, but upon statements made by Mormon preachers.

#### THE MORMONS' CREED.

The answer to these statements about the opinions said to have been expressed by preachers and writers now deceased is that they are not Mormon standards. The Bible, the Book of Mormon, and the Doctrine and Covenants are their published standards, and are superior to any theory or view entertained by any individual. And the notion that expressions concerning the ideal future Kingdom of God, as made by those individuals, relate to the present political government of the people is set at rest by these words, which I quote from the Doctrine and Covenants, section 58, verses 22, 23:

Wherefore be subject unto the powers that be, until He reigns whose right it is to reign and subdues all enemies under his feet. Behold the laws ye have received are the laws of the church, and in this light shall ye hold them forth.

Orson Pratt and other men whose opinions and doings have been mentioned here are dead and buried, and they belonged to another class altogether from the people who to-day are asking for the rights and privileges of freemen. This must be remembered. If all the garbled extracts from old sermons and writings that have been produced here were ever entitled to the grave importance sought to be attached to them, they were the utterances of the long since departed, and not of the people who come to you and ask for their political rights and against whom not one iota of evidence has been introduced.

I assert from the best lights I can get that the governor is utterly wrong in asserting that these people hold to any such doctrine as that the church is superior in authority to the state.

I say this, first, because gentlemen of the highest intelligence and honor, who were born in that church, have lived their whole lives in it, have had every opportunity to know its doctrines and teachings, utterly deny that it adheres to any such doctrine.

I say it, secondly, because in no recognized authority on that subject can any such doctrine be found.

I say it, thirdly, because exactly the contrary is laid down as one of the fundamental tenets of the church.

The thirteenth article of the Creed, as stated in Chambers's Encyclopedia, “declares it the duty of the saints and all others to be subject to the powers that be, whether monarchical or republican.”

Stated in their printed Creed, paragraph 12, it is in these words:

We believe in being subject to kings, presidents, rulers, and magistrates in obeying honoring, and sustaining the law.

That is what Mormonism teaches on that subject. It is explicit and emphatic, and no matter what individuals may say, or may have said, that is what this church teaches to its adherents. The children who are raised in it, and all who adhere to it, are admonished that they must yield obedience to the laws enacted by the state.

If that be true, and I maintain that it is true, and I challenge the production of any reliable evidence to the contrary, then this charge upon which the governor says this opposition rests is utterly without foundation.

It is not only without foundation, but the fact is precisely the other way. Therefore the chief averment in this indictment, and the one upon which the others must stand or fall, has no foundation in fact upon which to rest; it falls, and the others go down with it.



These people are not "educated to adhere to a power foreign to the spirit and genius of our institutions," as stated by the governor; they are educated to *yield obedience to the law of the land*. They are not educated "to obey the command of the church, even when contrary to law."

In making this assertion that they are, and as evidence sustaining it, the governor says, "*As witness the establishment and practice of polygamy*;" an indirect (at least) assertion that polygamy "had been established" as a rule of conduct for that people, instead of being recognized as permissible only.

If it had been "established" as a law, by this alleged "despotism," to which they must yield a blind and unquestioning obedience, notwithstanding legislative enactments to the contrary, how does it happen that this "despotic power" has been disregarded and disobeyed by 98 per cent. of these despotically ruled people.

The eleventh article of the creed (I quote from Chambers's Encyclopedia) asserts "absolute liberty of private judgment in matters of religion."

Reading from the creed itself, it says:

We claim the privilege of worshipping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, when, or what they may.

So I venture to submit that the governor's statement has no foundation on which to rest. Gentlemen, this, I, believe, the first time in the history of our Government when a religious creed has been brought under discussion as a basis of legislative action. Our Constitution guaranties perfect freedom of religious thought and belief.

Some may despise the Jews, to whom the world is indebted for some of the highest intellectual achievements, the broadest philanthropy, and the most touching charity, but nevertheless the Jews may, without let or hindrance, cling to the religion of their fathers, that is many centuries older than the creeds and doctrines of to-day.

Some differ with this or that part of the creed of the orthodox churches, but whether their adherents be many or few, worship in cathedrals or in little churches around the corner, they can not be molested in the enjoyment of religious opinion, nor can it be made the test of political right or privilege.

I believe in the orthodox churches, all of them, as a great humanizing, civilizing, and Christianizing power. They differ in many non-essentials, but there is running through and permeating them all a divine essence that never touches a heart without softening it, that never enters into a life without elevating it, that never inspires the legislative mind without bringing, as its fruit, juster and wiser laws; that never touches the ermine, but justice is tempered with mercy; that opens the purses of the rich and brings consolation to the poor; that has lifted man from barbarism to the high plane of the civilization of to-day. Wherever it has gone there are better lives, better social conditions, better government; and, in its wider sweep, it has softened the horrors of national strife. It is verily destined to turn the sword into the plough-share and the spear into the pruning-hook; and, above all this, it is the only light that illuminates the dark valley and warms us into confidence that death is not the end, but only the dividing line between life with its cares here and a higher life with its joys hereafter. I dislike to discuss such matters in such a connection.

And, after all, when we come to reflect about it, what a strange spectacle this is in a government one of the most cherished principles of

which is freedom of thought and religious belief, that we should be searching as with lighted candle for the thoughts and beliefs of men with reference to a matter of granting political privileges, and that we should be splitting hairs in argument as to whether this means this, that, or something else.

But these people whom I represent in this argument are attempted to be excluded from fellowship in the cause of human progress, and therefore I venture to inquire whether they are outside these great underlying principles and this essence of the divine!

I admit that they believe that, under special circumstances, a man may have a plurality of wives without sinning against Almighty God. But in all else than this, they are, notwithstanding all that has been said of them, in general harmony with the orthodox churches and strive for the same end, and with what results you will presently see. Since there has been such elaboration of argument as to their faith, I beg permission to read you their articles of faith, as taught in their churches and Sunday-schools, for the purpose of showing you how closely, so far at least as creed is concerned, they are in accord with accepted orthodoxy; and while I read it, I desire you to remember that this church, it is said, dominates, controls this people:

#### ARTICLES OF FAITH OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

(1) We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost.

I would have been considered a reprobate if I had not believed that forty or fifty or sixty years ago.

(2) We believe that men will be punished for their own sins and not for Adam's transgression.

There they are a little at variance with some of the orthodox churches

(3) We believe that through the atonement of Christ all mankind may be saved, by obedience to the laws and ordinances of the Gospel.

(4) We believe that these ordinances are: First, faith in the Lord Jesus Christ; second, repentance; third, baptism by immersion for the remission of sins; fourth, laying on of hands for the gift of the Holy Ghost.

(5) We believe that a man must be called of God, by "prophecy, and by the laying on of hands," by those who are in authority to preach the Gospel and administer in the ordinances thereof.

Why, I read just the other day a paragraph in a newspaper which gave a part of the church records in a certain Presbyterian church in the city of Indianapolis, and it is recorded in that church that the President-elect of the United States was ordained as an elder by the laying on of hands. So our Mormon friends are not very far off in that respect.

(6) We believe in the same organization that existed in the primitive church, viz, apostles, prophets, pastors, teachers, evangelists, etc.

(7) We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

(8) We believe the Bible to be the word of God, as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.

Well, we have had to have two translations of the New Testament, and we have not agreed about it yet.

(9) We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.

(10) We believe in the literal gathering of Israel and in the restoration of the Ten Tribes. That Zion will be built upon this continent. That Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisiacal glory.

(11) We claim the privilege of worshiping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, where, or what they may.

(12) We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.

(13) We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed we may say that we follow the admonition of Paul, "We believe all things, we hope all things," we have endured many things, and hope to be able to endure all things.

They will endure, gentlemen of the committee, even if you refuse them the high political privilege of being made into a State.

If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.

#### FRUITS OF MORMONISM.

Now, gentlemen, what I have read is their creed. These are the fundamental doctrines of their church. I am not going to compare their results with the results of any or all other creed or creeds in other places, but the results in Utah are worthy of consideration. These results are temperance, industry, intelligence, virtue, charity, in a degree that will bear comparison with any other community on this continent.

I must beg your indulgence while I fortify my assertions in this regard.

Bayard Taylor, the celebrated traveler, lecturer, and writer, says:

We must admit that Salt Lake City is one of the most quiet, orderly, and moral places in the world. There are few Gentile liquor saloons, but the Mormons, as a people, are the most temperate of Americans. They are chaste, laborious, and generally cheerful; and what they have accomplished in so short a time, under every circumstance of discouragement, will always form one of the most remarkable chapters in our history. The Territory does not owe a dollar; the people have established manufactories, built roads and bridges, irrigated wastes of sage-bush, colonized the basin of the interior desert for an extent of 500 miles, and have a nucleus of permanent civilization in the most forbidding part of the continent.

And since the governor has appealed to the Democrats on this committee, I here cite an ardent Democrat. Dr. Miller, editor Omaha (Nebr.) Herald, writes:

One feature of the influx into this hitherto quiet, sober, moral, and intelligent Mormon community carries with it its own comment to the thoughtful. To the lasting honor of the Mormon people and system be it said that for twenty-five years such machines of moral infamy as whisky shops, harlots, faro-banks, and all the attendant forms of vice and iniquity, were totally unknown in Utah. It can not be denied that the Mormons have achieved victories and conquests over the most gigantic evils that curse our race, and which are to-day the chief bane of every civilized State. Already the hydra-headed monsters of infamy are gaining foot-holds in Salt Lake City. The gambler and woman of the town are there. The damning fact, so creditable to Mormon morality, is that it is only by the surreptitious evasion and overthrow of Mormon authority that these and kindred curses now invade the beautiful city of Salt Lake.

Elder Miles Grant, the adventist and editor of the World's Crisis, says:

After a careful observation for some days, we came to the settled conclusion that there is less licentiousness in Salt Lake City than in any other one of the same size in the United States, and were we to bring up a family of children in these last days of wickedness we should have less fears of their moral corruption were they in that city than in any other. Swearing, drinking, gambling, idleness, and licentiousness have made but small headway there when compared with other places of equal size. As a body they are a very sincere people and believe the Lord led them there. They are close Bible students, and are very familiar with the Old Testament prophecies, upon which they dwell much in their preaching. Among them are a number of able men, who are capable of entertaining an intelligent audience. They preach without notes and present such thoughts as come to them on the occasion.

Mrs. Emily Pitt Stevens, editor Pioneer, a woman's journal, writes as follows:

Utah wants to assume the prerogative of State sovereignty. She has population and wealth superior to any other Territory, and why should she not enjoy the privilege of self-government? Utah is the wisest and best governed of any large section of people in the United States. In great Salt Lake City there is less of rowdiness, drunkenness, gambling, idleness, theft, conspiracy against the peace of society, and crime generally than there is in any other city of the same population in the country, if not on the globe.

Chief-Justice White, in charging the grand jury, Salt Lake City, February, 1876, said:

This land they have redeemed from sterility, and occupied its once barren solitudes with cities, villages, cultivated fields, and farm-houses, and made it the habitation of a numerous people, where a beggar is never seen and almshouses are neither needed or known. These are facts and accomplishments which any candid observer recognizes and every fair mind admits.

This church and its adherents have been subjected here to the sharpest and most unkindly criticisms. These criticisms are to be printed, not only for the eye of Congress, but of the nation; they will be repeated from the pulpit and the stump, and around Christian firesides, and on the strength of what these gentlemen have said here these people will be, as they have heretofore been, held up as moral outlaws. That is my apology for troubling you with what I have quoted, and it is my apology for turning to another side of this situation and presenting to you some unpleasant statistics, and I feel additionally excused because of what was said by Judge McBride.

In Salt Lake City, during the year 1886, arrests were made of Mormons and Gentiles for the following named offenses, as follows:

(1) For prostitution, rape, attempt at rape, keeping houses of ill-fame, enticing minors into houses of ill-fame, lewd conduct, exposing person, not a single Mormon and 73 Gentiles.

(2) For being drunk, drunk and disturbing the peace, drunk and disorderly, drunk and trespass, selling liquor on Sunday, 23 Mormons and 522 Gentiles.

(3) For manslaughter, attempt to kill, assault with deadly weapons, 1 Mormon and 5 Gentiles.

(4) For grand larceny, petit larceny, stealing rides on railways, 27 Mormons and 144 Gentiles.

(5) For gambling and gambling houses, Mormons 0, Gentiles 35; forgery and passing counterfeit money, Mormons 0, Gentiles 4; fighting and battery, Mormons 16, Gentiles 107; destroying property, Mormons 0, Gentiles 17; vagrancy, Mormons 0, Gentiles 121; common assaults, Mormons 6, Gentiles 46.

This is the more striking when you come to consider that the Mormons are so very largely in the majority.

It is unpleasant to me, to the last degree, to mention this, and, lest I may be misunderstood, I want to say that I know in part by personal acquaintance, and much by what in one sense I can not say that I personally know it, and yet I do, that the Gentile population is made up in the main of people of the highest character for business and every other integrity—men of sagacity, intelligence, and of the highest private character and sense of honor. Mormonism has not kept them away, nor driven them out after they got there, and in answer to the question of a moment ago I say I only mention these statistics to show that a Mormon is not a bad man or woman because a Mormon; nor is a Gentile a good man or woman, or better than a Mormon, because a

Gentile; and to show that if the Mormon Church controls its people, it controls them in the direction of good morals and the public peace.

Now, gentlemen, I know that petitions, numerous signed, have been sent here from all over the country against this application. The governor has told you that a remonstrance is coming, signed by 13,000 or more non-Mormons. Here is how they were procured. I read from a column of the Salt Lake Tribune of December 25 last, which is headed:

*That statehood move—Summit County liberals send E. P. Ferry to oppose it—They want Baskin to go also—Extracts from letters received by the Liberal committee showing much Mormon opposition to statehood.*

Looking down along this column I find this extract from one of the letters referred to :

*Salt Lake City.*—I am fourteen years of age, and I send you eighty-one names of persons who desire to protest against statehood. I tried to secure one of your blanks, but failing in that, I have secured the names on common paper. I guess it will do.

On receipt of this I imagine that our friend of the Tribune, who has been attending here, sent this industrious boy, who did not wait for blanks, his blessing and threw in a chromo.

That is the way they get up their petitions.

Many a Christian woman has signed these petitions in full belief (I refer to the other petitions from outside Utah) that she was resisting everything that is bad.

The pulpit has called for these signatures, but how many of these signers, think you, knew, when signing them, that the Mormons are the most temperate people in the world? How many of these Christian women knew that there are no saloons in Utah, for which the Mormons are responsible, to lead the young to inevitable destruction; that there are no dens of prostitution among them for which they are responsible? How many of them knew that not two out of an hundred of this present Mormon population has ever entered into the polygamous relation? Probably not one out of all the number had the slightest knowledge or suspicion even of the real facts; but you know them, and whatever else you may do, or whatever you may recommend, I hope you will feel it to be your duty to give the public accurate information on this subject. Tell this great American public that not 2 per cent. of the adult males ever were in polygamy. Tell the public the delightful truth that this much-condemned people are not surpassed in intelligence, sobriety, virtue, honesty, industry, thrift, charity, by any people anywhere. Smite them if you will, but give them the benefit of the truth. Criticise their religion if you will, but tell the world what they have accomplished, so that by their fruits the world shall know them.

But, gentlemen, I proceed to the consideration of another matter involved in this objection, as presented by this indictment framed by the governor, viz, the charge of insincerity in this movement they have made to procure admission as a State.

I will restate it in this connection as accurately and explicitly as I can. As I understand it, it is this: That their purpose is to induce you to believe that they propose to put polygamy under the ban of a State constitution by placing, as they have, in the constitution a clause prohibiting polygamy; then, having secured admission under that pretense, and with that provision in the constitution, to proceed to make polygamy lawful. To attribute such a project as this to sane men carries in itself its refutation. The idea that any set of men fit to be outside of a lunatic

asylum could suppose that a fraud of that kind could prevail is simply preposterous. Any man one remove from an idiot could not fail to see that such a scheme backed by only 175,000 men, women, and children, against the sentiment of 60,000,000 of people and against the sentiment of the civilized world, would come to instant grief.

There is no fact upon which such a charge can be based, but there are abundant facts that disprove it beyond any reasonable dispute; that prove it is as baseless as the fabric of a vision.

And I want to present some of them for your consideration. I begin by repeating that not two in a hundred had ever been in polygamy; they could have been, but never were. Is it not inconceivable that people who have had the opportunity to enter that relation, and never did so, 99 who did not to 1 who did, should take it into their heads to make the childish attempt to commit so enormous a fraud; a fraud that would bring upon them the contempt and the condemnation of all Christendom; and when they know that this nation would find speedily a way to overturn such a scheme and bring it to naught?

Can any one conceive of a scheme more senseless than that of a people violating the most solemn obligation for the purpose of entering into a relation they would not enter into when the door was wide open for them so to do?

Gentlemen, these people have faced privation; they have endured poverty and all the vicissitudes of frontier life; they have made their homes in Utah; there, are clustered everything that to them makes life worth living; and it seems to me that to attribute to them the unutterable stupidity of jeopardizing, yes, more than that, consigning to utter destruction, all these, is too idle to be thought of; and this is especially so when we consider that what there is of polygamy is chiefly confined to the old.

I believe I am justified in saying, and, therefore, again assert, that plural marriages have not taken place for years. There is no evidence that they have; so that, as I have already said, Time with the swing of his scythe will speedily remove the last vestige of polygamy; in fact, the little that is there will soon disappear, and there will be nothing left for our friends to fight but a mental operation—a belief, which is practically all that they are fighting now.

Now, can you imagine these young and middle-aged men who have never been in polygamous relations deliberately entering into a stupendous folly, stultifying themselves, and bringing sure destruction upon their families and homes at the instance of this meager few that are left over from former years? It is inconceivable, except to a disturbed, distorted, long-brooding imagination.

But, in addition to the utter improbability of such a course, their conduct repels this charge.

First. Not entering into the relation repels it.

Second. The refusal by the church authorities to solemnize such marriages repels it.

Third. The law enacted by the Utah legislature on the subject of marriages repels it. It provides that marriage is prohibited when there is a husband or wife living from whom the person marrying has not been divorced.

The section prohibiting the solemnization of plural marriages under severe penalties repels it.

Fourth. This State constitution repels it. It prohibits polygamy absolutely. It not only prohibits it, but makes a compact that that provision shall not be changed.



## HOW AND BY WHOM THE CONSTITUTION WAS MADE.

We are driven by the charge of insincerity that is made here, and to which I have alluded, and by the range of this discussion, to inquire by whom was this constitution framed? and into the incidents and conditions that led to its making; because the good faith of its framers is arraigned before you.

The Mormon people who have never been in polygamous relation, who could take and did take the most searching and stringent oath to that effect, weary of contention, desiring to promote the welfare of all the people of that Territory, and desiring to place themselves in harmony of conduct with the people of this nation, as to this apple of discord, proposed a convention to frame a constitution for State government. (The few Mormons who are in polygamy had nothing to do with it.) They invited their non-Mormon or Gentile neighbors to unite with them, and although largely in the majority, offered the minority representation in that convention. This invitation and this offer were rejected.

They then went forward with this work. The men who composed that convention were representative men and represented a people such as I have described. They were intelligent and wise men, as is attested by the fact that they have made a constitution against which the shafts of criticism have never been leveled and with the exception that Mr. Baskin has started a point I will presently allude to, and that Colonel Ferry said it made polygamy a misdemeanor instead of a felony, there is no word or phrase in it to which, so far as I know or can see, exception can be taken. I say that it is up to the highest standard of fundamental law for the government of a free people.

In it, for the purpose of setting forever at rest this question that has for so long disturbed the harmony of the people, they inserted these two provisions:

ART. XV.—SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Provided, That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change, as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States, and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed, said section shall remain perpetual.

If that becomes the organic law of Utah, and continues as such, polygamy is ended, and I think everybody will agree to that, notwithstanding the argument made by Judge Baskin, which I will briefly notice.

It has been given to Mr. Baskin to find a spook hiding behind this word "polygamy" as used in this provision of this constitution. He gets a glimpse of it in his mind's eye, and every hair on his head stands on end. He hurries over to England for a decision made in a court over there, and with that proceeds to make a refined argument, splitting hairs "twixt the north and northwest side," to prove that "prohibition does not prohibit;" that although this constitution forbids polygamy and makes it a misdemeanor, yet under this provis-

ion, and notwithstanding this provision, polygamy may be practised with impunity.

Now, gentlemen, the word "polygamy" has a settled and legal signification. It means in this constitution and must always be held to mean just what that word signifies, not only to the legal mind, but to the mind of the layman.

But he has another phantom lurking behind this word, and that is that the Utah courts will concoct some subtle occult system of logic by which the plain meaning will be defeated.

That objection, I submit, rests in his belief, his opinion, his ability to forecast future events. Such a thing as these courts resorting to such methods has never happened in the past—there is nothing to indicate that it will happen in the future. As Mr. Baskin don't believe in revelation, I know he will not expect you to accept it as a fact that it has been revealed to him what these courts will do; and as he is not a prophet and does not pretend to be, all he can do is to argue what the courts might do. But I must say it with the most profound respect for Mr. Baskin, for it is well known that he is an able lawyer, and his legal ingenuity has been demonstrated here, that if any court should reach such a conclusion upon the argument he has presented here, it would deserve to be impeached (for incapacity, or worse, and would be impeached and condemned by the universal judgment of the world).

This point made by Mr. Baskin is not one that rests in argument. It rests in an assertion that you can not repose faith in these courts; and it rests there alone. It is only an appeal to you to distrust them to the degree of condemning them as utterly unworthy of confidence.

But recurring now to this constitution, I say, and you will all agree with me, that it is beyond criticism, and it makes no difference for the purposes of this argument who took part in making it and who did not, nor how long or how short the notice of its making was; as an instrument it is above criticism, and if Judges Baskin and McBride and Governor West had made it themselves they could have done no better, and they do not now suggest any infirmity other than I have mentioned, namely, that its framers are insincere.

Judge McBride said, and I quote his exact language:

I do not care what kind of a constitution they make, I would oppose it. I do not care how perfectly formed it may be.

But when you take this constitution with this provision embodied in it, in connection with the other matters I have enumerated, I say they utterly and irresistibly repel this charge of insincerity in offering this constitution.

Now where is the evidence of insincerity? I challenge any one to point to an indication of it. It can not be found in any legislative enactment, for these have been just the other way. It can not be found in their marital relations, for they have never entered polygamy. It can not be found in any refusal to take a prescribed test oath, for they have been weighed in that balance and not found wanting. It can not be found in their church creed as we have already seen. It is simply an assertion without enough foundation in any fact sufficient to create a suspicion.

This brings us to the next objection in this regard that I wish to notice. You will observe that polygamy is not merely prohibited by this constitution, but is made a misdemeanor, and the punishment is prescribed and no act of the legislature is required to execute it. Nor can any governor pardon any one convicted of such an offense. Nor can this self-executing provision of the constitution be changed without

the approval of Congress. It is to be perpetual unless Congress agrees to the contrary.

It is impossible for the skill of man to more completely hedge this matter of polygamy in and place it under an eternal ban of the law than is done by these constitutional provisions.

But the answer that is made to this is simply, "Oh, when they get into the condition of statehood they become independent of Congress, and they may amend this constitution by striking out these provisions and Congress will be powerless to prevent it."

#### CONGRESS CAN REQUIRE A SPECIAL COMPACT.

Now, gentlemen, it is a question of supreme importance, whether by admitting a State you place it out of your power to control this subject. It is contended that such would be the result. I deny the proposition. Over and over again States have stipulated that they would not exercise the sovereign power of taxation. That is a power that inheres in State sovereignty, but they have been required to yield it up, and no one ever doubted that such a stipulation was a proper stipulation to be entered into.

In the case of Louisiana it was stipulated that there should be trial by jury and that the laws should be written in the English language, which possibly may happen when New Mexico is admitted. And nobody ever doubted the propriety or the binding character of that stipulation. Nebraska was required to prohibit slavery. The principle involved in the present case is in no way different from these precedents.

The power to tax, as every gentleman of this committee knows, is one of those powers that inhere in every sovereignty. That has been discussed by the Supreme Court in a dozen cases in which it has been held that it was a power that was necessary for the preservation of sovereignty. It inheres in the sovereignty, but in dealing heretofore in respect of admitting States, the States have been required to yield to sovereign power to a limited extent, and no one ever doubted that such a stipulation was a proper stipulation to be entered into, and no one ever doubted that such a stipulation was binding upon the high contracting parties.

Now, in the State of Louisiana it was stipulated that she should provide for trial by jury, and it was stipulated that the laws should be written in the English language. Why that stipulation? It was unusual, it was extraordinary. Why was that stipulation put in that constitution or in that contract? It was simply because the people of Louisiana were people of a race different from ours, and it was because they were accustomed to the use of a language different from ours, and a mode of trial different from ours. It was intended to make that State uniform with all the other States in this Union in these respects; and therefore when Congress came to admit Louisiana they said, "You shall provide for trial by jury, which does not exist with you now under your system; you shall have your laws written in the English language;" and that contract was made and nobody ever doubted the propriety of its making or the binding character of that obligation.

Nebraska was admitted into the Union, and Nebraska was required to enter into a compact that slavery should never exist in that State without the consent of Congress. Nobody has ever doubted the propriety of entering into such a compact nor has anybody ever doubted the binding character of that compact. Congress has never asked for guaranties that the compact would be kept by the State.

There can not be any doubt as to the right to enter into such a compact. Congress has been acting upon such a right for more than three-fourths of a century, has admitted many States upon compacts precisely similar in principle; it is too late to begin to dispute it now.

But that is not the objection here urged. The question I am now considering is, whether Congress can enforce it if made.

In considering this you will not fail to remember that when communities deal with each other, which is done usually in the form of treaties, they mutually rely upon good faith for the performance of all stipulations between them. They never stipulate for a penalty in case of violation, or provide a remedy in case of a breach of covenant. Reliance is placed upon that high sense of honor that is always attributed and conceded to the contracting parties.

This is a part of what is sometimes called "the public law of the world." And it is upon this idea that when States have been admitted such compacts have been made in almost every case, and the good faith of the people of the State has invariably been accepted that that compact will be kept and performed.

I take it for granted that this will not be disputed; but our friends invariably come back with the assertion that you can not trust these people. But that is an assertion that only goes to the propriety of entering into the compact; and therefore, although somewhat of repetition and aside from the regular line of the discussion of the legal proposition, I come back with the inquiry: What evidence have you in the past conduct of these people to lead you to the conclusion that they can not be trusted to carry out in good faith this compact?

Look into their laws and you can not find it there. You do not find oppressive taxation. You do not find it in mismanagement of public affairs. You do not find any public debt, or any lack of provision for good order—any lack of intelligence. You will search in vain for anything in that direction to satisfy you that they are not as high in the scale of honor as any other people. Nor can you find anything in their present condition as to polygamous relations from which you could draw unfavorable conclusions in this regard.

On the contrary, the inferences are all the other way. If you accept the fact to be, as my brothers Baskin and McBride state it, as to what they were fifty years ago, you see that they have moved on just as others have moved on; if they were fifty years ago what it is here claimed they were—if they were intolerant as to others then, it is not so now.

In these respects they have grown just as other communities have grown, and progressed just as other communities have progressed. And I assert that with them you find every element existing upon which you rely in the matter of reposing faith in communities that they will keep promises. These gentlemen who say you can't trust them, fail to point you to a single case in which they have betrayed a trust, and none can be pointed to.

On the contrary, it is apparent that they have faithfully performed the highest trust that can be granted to a people—the trust of Government, for, in the territorial state where they have made and executed laws, these laws have been most salutary; and their administration of them has been just and impartial.

And, therefore, I say that no fact can be pointed to that justifies the contention that full faith and confidence can not be indulged that they will keep this compact; and, therefore, the compact may with propriety be made.

## CONGRESS CAN ENFORCE A COMPACT.

If it may be made, then the right to enforce it follows by necessary implication. It is idle to say that such a compact may be made and that when the considerations have been mutually received, statehood on the one side and the pledge not to do a particular thing on the other, either party can violate it without remedy to the other.

But you ask me what is the remedy? and I answer that there are plenty of remedies, and peaceable remedies, and in your own hands.

Suppose they violated this contract; suppose that after they put this into the constitution and thereby induced you to grant them the high privilege and political right of statehood, they should turn right around and exercise the bad faith which is attributed to them here; what could you do? You could shut the doors of the Senate and House of Representatives against them; you could deny them a voice in the councils of this nation, because they had acted in bad faith and violated their solemn agreement by which they succeeded in getting themselves into the condition of a State. You could deny them the Federal judiciary, you could deny them the right to use the mails, that indispensable thing in the matter of trade and commerce of this country. There are many ways in which peaceably, but all-powerfully, you could compel the performance of that compact.

Congress could reach such a case and not put a title of the strain on the Constitution that it was subjected to when the act was passed authorizing the attachment and arrest of a witness who had not been subpoenaed, and forfeiting the property of this church and commanding the courts what kind of a judgment to render. After these Congress can not doubt its ability to devise means to meet emergencies or its courage to grapple with troublesome questions.

I have reserved it to this place and in this connection especially to answer what I understand to be the essence of this resistance as stated with especial frankness by Judge McBride.

Of course our friends, the enemy, are and must be embarrassed by the unpleasant fact that they are continually compelled to assail the Mormon religion, and so they state an objection somewhat after this fashion: They say that the Mormons owe their first allegiance to the church, that that church commands and they must obey, and that this despotic power is inconsistent and at war with the scheme, the spirit, the genius of republican government; in short that polygamy is anti-republican, and that you can not give such a people control of a State, because it would be equivalent to establishing a despotism, while the Constitution requires that the State shall be guaranteed "a republican form of government." I think I state it accurately. Now this provision of the Constitution of the United States just alluded to is the very one upon which I rely to establish the power of Congress to interfere if Utah should attempt to annul these constitutional provisions against polygamy, to violate this compact.

In the first place they say that polygamy and Mormonism or the Mormon Church is anti-republican, and that anti-republicanism will be the State government.

Then, in the second place, this constitution that is offered says that polygamy "is incompatible with a republican form of government."

So both parties agree that polygamy is anti-republican, and that being so, and Congress being commanded by the Constitution to guarantee a republican form of government, and polygamy being anti-republican, can it be for a moment doubted that if the Mormons, after Utah

has been made a State, should attempt to set up polygamy as an institution by repealing this constitution, or in any other way, Congress could declare, what all parties agree to, that it is anti-republican, and at once proceed to create a republican form of government as commanded by the Constitution.

So you see that if this objection is not imaginary, as I insist it is; if it is real, as I insist it is not; if it should in the future transpire that this is a deep-laid scheme, of which there is not the slightest evidence, and the allegation that it is preposterous and absurd to the last degree; if all this be true, Congress has the amplest power under the Constitution to interfere and strike it down, just as complete power as it would have if in some State the attempt should be made to make the executive office hereditary, or to set up a monarchy, however limited.

Gentlemen, you may make such a compact and there is no limitation as to what you may embrace in it, and I venture to point out to you how you may remove any and every doubt as to the power to interfere, although there is no necessity in my judgment to do so. You can make the power of Congress absolutely sure by providing in the act accepting the constitution that if at any time without the consent of Congress, the State should directly or indirectly abrogate this provision of the Constitution, *eo instanti* it should become again a Territory; and you could require them to accept that as a condition by an ordinance.

But I submit to you, gentlemen, that what I have suggested furnishes a peaceable and efficient safeguard against this wholly imaginary calamity. Suppose you should say in an act admitting Utah that if that provision is destroyed then Utah is to become a Territory again; and suppose Utah agrees to that by an ordinance. Do you think that Utah would ever fly in the face of such an agreement? Do you think that her people would venture upon such an experiment; and if they did, do you think that the Congress of the United States would find no remedy?

The acceptance of admission upon such a condition would not only insure the power of Congress to interfere if Utah should attempt to act in bad faith, it would of necessity end polygamy forever if it were not dead already. For I beg you to remember that it is not that polygamy is not sufficiently prohibited by this constitution that excites the apprehensions of these gentlemen, but their fear is that you will have no power to interfere if they disregard the provision that it shall not be repealed without the consent of Congress.

The suggestion I have made, I submit, would effectually meet that objection, and put at rest these apprehensions. Such a condition would make a repeal impossible.

## THE BEST WAY TO SETTLE THE POLYGAMY QUESTION.

Mr. Chairman and gentlemen of the committee, very eminent men have been wrestling with this subject a good many years; both political parties have resolved in relation to it. It would be presumptuous in me to assert or intimate that their efforts have been misdirected. Perhaps what they have done was necessary to lead up to a condition where the final step could be taken which will solve the problem. I believe that step is the admission of Utah as a State. If Utah had been made a State a year ago you would not in November last have had a division of the people into Mormon and anti-Mormon. There would have been the great Presidential stake to be striven for, in which national politics, national issues, would as surely as fate have swallowed up this local controversy. That would have been the inevitable result.

The people in all the other States being divided between the two great political parties, supporting the respective electoral tickets asserting distinctive political principles that are as broad and even broader in their reach than the country, an electoral ticket in Utah divided as Mormon and anti-Mormon would have been simply impossible. Utah would have had two electoral tickets the same as in all the other States, but as in every other State representing the same national questions; and her people would have been discussing Harrison and Cleveland, protection and free trade, with here and there a Mormon and anti-Mormon lifting up together their voices in favor of "civil-service reform." They would have been divided as Republicans and Democrats; Mormons and anti-Mormons would have gathered together as Democrats in a Democratic caucus to devise ways and means (especially means) by which to thwart the schemes of the Republicans, and to secure the blessings of "tariff reform;" and just around the corner other Mormons and anti-Mormons would have been consulting together in sweet accord, as Republicans, how to secure a free ballot and an honest count, and how to foster and encourage American industries, especially *salt*; and political missionaries of both parties from every part of the country would have been there to enlighten and evangelize.

Every possible outside influence, from every part of the country, the leaders of the two parties, the great newspapers, would have been at work to bring into their respective political lines the voters of Utah.

That is the way the people of Utah would have been divided, if Utah had been made a State last winter, and it will be the result, and there can be no other result, the first election that occurs after Utah is admitted. I was gratified to hear Mr. Ferry say that already young Mormons vote as they please; it was not quite consistent with his claim about domination, but that makes all the more useful his admission.

That, in my judgment, is the way to settle this disturbance. Admit Utah and her people will become unified as other communities are unified, and divided politically as other communities are divided politically.

I insist that you can run no risk of evil results by doing this. The Mormons, with the very few exceptions I have mentioned, are non-polygamous just as the Gentiles are. They do not need to change. There are no extra wives to be discarded, no embarrassing social or family relations to hinder.

Admit Utah, and I feel as sure as I am sure that the sun will come and go to-morrow that this disturbing question will be settled forever.

Reject Utah and you are simply continuing a strife for the continuance of which there is now no justification in existing conditions.

But there is another reason why the admission of Utah as a State will dispose of this question as you desire it disposed of. If Utah is admitted as a State it will stimulate immigration. Her climate, her scenery, her soil, her mineral resources, her beautiful capital city, her schools, her railroad facilities, her geographical position, the fact that she has passed the period where the hardships of pioneer life have to be endured, would bring a great influx of population. That growth would not be Mormon but anti-Mormon. It could not be Mormon because there is no source from which it could come; and this if nothing else would settle the question of polygamy. Colonel Ferry tells you that by reason of immigration the Gentiles now have a majority in Summit County.

It seems to me that every consideration points to admission, as an act of wisdom as well as justice.

One other point before I close. I asked the governor what he pro-

posed and he frankly said, "A commission;" that is, that the President shall nominate and the Senate confirm a lot of men to go to Utah and make laws for the people of that Territory, as to their local affairs, the governor to be the head, and I suppose to exercise as now the absolute veto power.

And how long do you propose to have this continue? I ventured to inquire, and again he promptly answered, "Until the anti-Mormons are in the majority."

And how long would that require? I asked. He replied, "Probably five or ten years;" but that was a guess. All this from the governor of that Territory, sent there by the Government as the chief executive. Now I have simply to say that anything more anti-republican than this, more out of harmony with the long-established methods of this Government as to the Territories, can not be conceived. These declarations of the governor are made without pointing to any act of the people through their legislature inimical to good government. The laws for that Territory that have been made for its local affairs have been just, wise, and humane. They are in harmony with the Federal laws.

I concede that Congress has power to make all needful rules and regulations respecting the Territories, and I concede that Congress, speaking in general, is the judge of what is needful. But it is not needful to do this until it appears that the legislature chosen by the people have failed to enact such laws as are essential to the protection of life, liberty, and property, and to promote generally the interests and welfare of the people. There has been no such failure.

It is a proposition that has no support in any misgovernment by the people of themselves, but upon the fact only that the minority believe differently from the majority.

It is an indirect way of making the minority rule as to local affairs. It is utterly out of harmony with the principles of our Government.

This is not, I concede, exactly germane to the question before you, but it is an incident that I have thought it not improper thus briefly to refer to, as it was advocated here by the governor.

And now, gentlemen, my argument, if argument it be, is done.

In the vigor, zeal, and enthusiasm of early manhood there is a pleasure even in the strifes and struggles of life, but advancing years give us pause. We come to understand after a while that men may honestly differ, and that seemingly irreconcilable differences, by the exercise of a little Christian charity, may be reconciled without any compromise of principle; that it often happens that men differ because they do not understand each other; that sometimes they are enemies when there is no reason why they should not be friends. When I look over the condition of affairs in Utah and see a population of 210,000 people of intelligence, composed of adherents of every Christian denomination, surrounded by wealth, luxury, and every other incident of civilization, which by their own energy and thrift they have created, occupying a Territory unsurpassed in beauty, salubrity of climate, and resources, it is to me amazing that they do not come together with a request to Congress to give to them what of right belongs to them, the dignity of a State, a voice in national affairs, and the control of such as are local to themselves. But it is not so, and that it is not so is no fault of the proponents of this constitution.

I beg you to remember that these proponents constitute three-fourths of the people of that Territory. I beg you to remember that they invited the other one-fourth to unite with them in making it. I beg you

to remember that it is this one-fourth that is standing here in resistance. I beg you to not forget that they offer no word of criticism upon any provision in that constitution; that by their silence they admit what I have claimed for it, that it is the equal of any that has ever been framed for any State.

I beg you to remember that the framers of that constitution are men, and are representative men, who have never offended against public sentiment by any polygamons act, and that all that can be urged against them is a *belief* that a man may, without sin, enter into polygamy *where the laws of the State do not forbid*; and a bare suspicion that they are not acting in good faith.

I beg you not to forget that they tender to you and to the country an irrepalable law, requiring the enactment of no statute to give it active life by which polygamy is prohibited forever; and with these suggestions I leave the fate of this application in your keeping.

As the shadows lengthen we all become more and more impressed that the part we play in the great drama of human affairs is but a contribution aiding or retarding the progress of mankind; and that after all the richest legacy we can leave behind is a record of duty, as we are permitted to see it, faithfully and fearlessly performed.

In the very near past I have witnessed death

"With his sickle keen  
Gather the bearded grain at a breath,  
And the flowers that grow between."

Thus additionally admonished, I have tried to perform my duty as an advocate in this matter, prompted, restrained, and guided, I trust, in what I have said by the dictates of conscientious conviction.

And you, having in your keeping the honor and the future of the nation, and the welfare of the people of Utah, conscious that the act you do or omit will stand of record to be judged as to its wisdom, need no admonition from me

I can only hope that what has been said in this discussion will aid you in reaching a just conclusion, and I shall never cease to regret it if I have said anything inconsistent with truth and fair argument or unworthy the subject and this presence.

I thank you for your patient hearing and the kind courtesy extended to me.

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